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and Energyn, LLC*

**IN THE UNITED STATES DISTRICT COURT,
IN AND FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

GLYDE SOLAR, LLC, a Delaware limited
liability company,

Plaintiff,

v.

SKYLER NEWBY, an individual, and
ENERGYN, LLC, an Idaho limited liability
company,

Defendants.

And Related Counterclaims.

DECLARATION OF SKYLER NEWBY

Case No. 2:24-cv-00057-AMA-DBP

Judge Ann Marie McIff Allen

Magistrate Dustin B. Pead

Skyler Newby, having first been duly sworn upon oath, deposes and says:

1. I am over the age of 18, free of any improper or undue influence, and willing and able to testify to the matters stated herein of my own experience and knowledge; and if called to testify, would testify consistent with the statements herein.

2. I am the named Defendant in this action and the sole member of Defendant Energyn, LLC. I have personal knowledge of the facts stated in this declaration and could testify competently to them if called as a witness.

3. I entered into the Preferred Dealer Agreement (the “Agreement”) with Plaintiff Glyde Solar, LLC (“Glyde”) on or about November 24, 2020.

4. Prior to entering into the Agreement with Glyde, I understood and believed that Glyde was properly licensed to operate as a solar contractor in Utah and other states where it conducted business.

5. During my relationship with Glyde, I interacted with Jack Elbaum on multiple occasions. Mr. Elbaum represented himself to me as the CEO and co-owner of Glyde Solar, LLC. Mr. Elbaum had significant authority within Glyde and was involved in business decisions related to sales operations, contracts, and the management of sales representatives like myself.

6. I understood that in order to legally operate as an electrical contractor installing solar systems in Utah, a company must maintain proper licensing with the state. I believed this proper licensing was an implicit condition of our contractual relationship and essential to Glyde’s ability to fulfill its obligations under the Agreement.

7. I was not aware during my relationship with Glyde that it had obtained its Utah electrical contractor license by submitting false information to the Utah Division of Professional Licensing. Specifically, I was not aware that Glyde had failed to disclose Mr. Elbaum’s ownership interest and his status as a convicted felon.

8. Had I known that Glyde had fraudulently obtained its contractor license by omitting material information about its ownership, I would not have entered into the Agreement with Glyde or would have terminated the Agreement upon learning this information.

9. While Glyde has alleged that I engaged in improper sales practices, any such allegations are baseless and are a deflection from Glyde’s own unlawful conduct in operating

without proper licensing. Moreover, Glyde's management, including Mr. Elbaum, was aware of and approved the sales methods employed by its sales representatives.

10. The damages Glyde claims in its Complaint, including those related to the Green House Solar lawsuit, resulted from Glyde's own misrepresentations about its licensing status and lawful right to operate, not from any conduct on my part.

11. It is my understanding that Glyde surrendered its Utah electrical contractor license on July 9, 2024, after its fraudulent application was discovered.

Verification

I, Skyler Newby, declare under penalty of criminal perjury under the laws of the United States of America and the state of Utah that the foregoing is true and correct.

EXECUTED this 28th day of February, 2025.

/s/ Skyler Newby

Skyler Newby
(Signed electronically with permission from
Skyler Newby)

CERTIFICATE OF SERVICE

I, the undersigned, certify that on the 28th day of February, 2024, I caused a true and correct copy of the foregoing DECLARATION OF SKYLER NEWBY to be filed with the Court electronically via ECF, which caused notice to be served upon all e-filing counsel of record via the Court's Notice of Electronic Filing [NEF].

/s/ Adam D. Ford